IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

PIL NO. 124 OF 2006

WITH

WRIT PETITION NO. 2176 OF 2003

PIL NO. 124 OF 2006

Gaurang R. Vora .... Petitioner.

vs.

State of Maharashtra

& Ors. ..... Respondents.

WITH

WRIT PETITION NO. 2176 OF 2003

Vinay Amritlal Sonpal .. Petitioner.

vs.

Union of India

& Ors. .. Respondents.

Mr. Zubin Kamdin a/w Mr. Sarosh Bharucha

i/by M/s. Wadia Ghandy & Co.

for petitioner.

Mr. N.P. Pandit, AGP., for R. Nos. 1, 2 & 4.

Mr. A.L. Patki for R. Nos. 13.

Mr. Rutuja Ambekar for R. Nos. 33.

Mr. Rajiv Chavan a/w Ms. Anamika Malhotra
i/by Mr. Pankaj Kapoor for R. No. 5.
Mr. V. Mannadiar i/by M/s. Mannadiar & Co.
for Respondent NO. 32.
Mr. V.A. Sonpal - Petitioner in person
in W.P. W.P. 2176 of 2003.

Coram: J.N. PATEL, ACTING C.J. &
S.C. DHARMADHIKARI, J.
Date: 22nd March, 2007.

P.C.

. Heard the learned counsel for the parties.

2. The petitioners have approached this Court for seeking implementation of the order of the Supreme Court in a decision rendered in the case of Re. Noise Pollution (V), (2005) 5 SCC 733 and for other ancillary reliefs with an additional plea that the Court be pleased to appoint a committee to look at the reasons why it has not been possible to fully implement the judgment and order of the Hon'ble Supreme Court and make recommendation so that the same can be done at the earliest.

3. During the course of hearing, the learned counsel appearing for the parties do not dispute that after the Supreme Court rendered the decision in the

case of Noise Pollution, all matters relating to noise pollution are being put in place. In the said decision, the Supreme Court has further specifically mentioned that the guide-lines have been issued in exercise of the powers conferred upon the Supreme Court in Articles 141 and 142 of the Constitution and would remain in force until modified by the Court or superseded by appropriate legislation. In an identical petition which came to be disposed of by this Court i.e. in the case of **Janhit Manch and others vs. State of Maharashtra & Ors., reported in 2006 (2) Mh. L.J. 284** this Court has taken cognizance of the same and has directed the copy of the judgment and order to be forwarded to the Chief Secretary of the State with a direction to issue instructions forthwith to all the concerned authorities including local authorities in the State so that the implementation of the directions issued by the Supreme Court can be commenced forthwith and, therefore, the prayer of the petitioner to appoint a committee, in our view, does not survive as the Environment (Protection) Act, 1986 and Noise Pollution (Control and Regulation) Rules 2000 specify the authorities which are expected to implement the rules in letter and spirit. The learned counsel for the petitioner has placed before us the minutes of the order by which this petition can also be disposed of. In our view, our earlier decision in the case of Janhit Manch takes care of the grievance made in this petition and, therefore, we dispose of this petition accordingly

as reiterating the directions already issued by this Court in an earlier case, will be meaningless.

4. We make it clear that in so far as the implementation is concerned, any person aggrieved by inaction on the part of the authorities has a remedy by filing report/complaint to the concerned authority and if the competent authority refuses to take cognizance of such report / complaint for violation of the Noise Pollution (Control and Regulation) Rules, 2000 and the provisions in respect of Environment (Protection) Act, 1986, action can be initiated against such authority. In our view, this sufficiently protects the interest of the citizens which is the object and purpose of this enactment. In case, the petitioners are aggrieved by the inaction on the part of the authorities particularly the Department of Explosives, Government of India, having its head quarters at Nagpur, the Supreme Court has granted liberty to parties to move the Supreme Court in the matter and seek compliance of its directions for which our permission is not required.

5. Petition stands disposed of accordingly. No order as to costs.

ACTING CHIEF JUSTICE

S.C. DHARMADHIKARI, J.